

REMARKS

Applicant respectfully requests reconsideration and allowance of the subject application in view of the foregoing amendments and the following remarks. The status of the claims is as follows:

- Claims 1-3, 7, 16-18, 20, 22, and 24-33 are currently pending.
- Claims 4-6, 8-15, 19, 21, and 23 were previously cancelled.
- Claims 1-3, 16-17, 20, 22, 24, 26, and 27-32 are amended herein.

Support for the claim amendments is found in the original specification and drawings. The amendments submitted herein do not introduce any new matter.

Cited Documents

The following documents have been applied to reject one or more claims of the Application:

- ***Shoff***: Shoff, et al., U.S. Patent No. 6,240,555,
- ***Hirata***: Hirata, U.S. Patent No. 6,374,406, and
- ***Rowe***: Rowe, et al., U.S. Patent No. 6,792,615.

Claims 1-3, 7, 16, 18, 20, 22, and 25-33 Are Non-Obvious Over Shoff in view of Hirata and further in view of Rowe

Claims 1-3, 7, 16, 18, 20, 22, and 25-33 stand rejected under 35 U.S.C. §103(a) as allegedly being obvious over Shoff in view of Hirata and further in view of Rowe.

Applicant respectfully requests reconsideration in light of the amendments presented herein.

Claim 1 recites:

A system for representing at least one of an audio and visual program, comprising:

a token application that obtains a token that identifies a particular broadcast program, the token comprises a schema that is a multi-level data structure with a plurality of different fields, the plurality of fields includes at least a program identifier and one or more broadcast program characteristics that specifies different aspects of the particular broadcast program, the program identifier uniquely identifies the particular broadcast program universally across broadcast providers;

the token application that further monitors token translations, wherein the token for selected broadcast program information is translated into local programming data based on identifying information associated with a user;

the token application that further stores demographic and marketing information about the user and the selected broadcast program information;

a recording component that schedules a recording of the particular broadcast program based at least in part on the token and the local programming data; and

the recording component that further records more than one program concurrently, the recording from one or more broadcast medium.

Shoff pertains to “an entertainment system enables presentation of supplemental interactive content along side traditional broadcast video prams, such as television shows and movies.” Shoff, Abstract. “The viewer tunes to a particular channel, the viewer computing unit consults an electronic programming guide (EPG) to determine if the present program carried on the channel is interactive.” Id. “When the data from the target resource is downloaded, the viewer computing unit is responsive to the layout instructions obtained from the target resource to display the supplemental content concurrently with the video content program.” Id.

Hirata relates to “an electronic mail on which a control command is interpolated is transmitted through a public line.” Hirata, Abstract. “The interface section controls an IR transmission section to transmit a signal corresponding to the control signal supplied from the CPU or outputs a signal through a connection line, and controls a video deck.” Id. “VIDEO Reservation is described subsequent to “Subject,” this suggests that the electronic mail includes a control command to reserve a recording on the video deck 27.” Hirata, col. 5, lines 42-45. Hirata describes the parameters for a recording based upon an electronic mail that includes date, time, channel, and recording mode. Hirata, col. 7, lines 14-17.

Rowe is directed towards “creating and distributing programming content carried by a digital streaming media to be a plurality of remote nodes located over a large geographic area to create customized broadcast quality programming at the remote nodes.” Rowe, Abstract. “At the remote nodes, a multi-window screen display simultaneously shows different programming including national programming and local programming content.” Id. A workstation produces weather information where “local coverage area (LCA) is defined by the geographic region that includes subscribers with similar geography, climate, terrestrial expectations, community interests and receives the same local programming.” Rowe, col. 31, lines 56-60.

The Office alleges that Shoff, Hirata, and Rowe teach or suggest the features of claim 1. Applicant respectfully disagrees, but nevertheless amends this claim as shown above to advance prosecution.

First, Shoff, Hirata and Rowe fail to teach or suggest “the token application that further stores demographic and marketing information about the user and the selected broadcast program information,” as recited in claim 1. A thorough search of Shoff and Hirata failed to reveal the teachings of “storing demographic and marketing information about the user” as recited in claim 1.

Rather, Shoff presents supplemental interactive content along side traditional broadcast video prams, such as television shows and movies, not “storing demographic and marketing information about the user,” as recited in Applicant’s claim 1.

Hirata fails to cure the deficiencies of Shoff. Hirata is directed towards using electronic mail to control a video deck to record. This is not analogous to “stores demographic and marketing information about the user and the selected broadcast program information” as recited in Applicant’s claim 1.

Rowe fails to cure the deficiencies of Shoff and Hirata. While Rowe creates programming content to create customized broadcast quality programming, the user defines regional maps and graphics to depict the states of weather advisories. Rowe includes local coverage area about subscribers with similar geography, climate, terrestrial expectations, and community interests. A definition of demographics by answer.com, defines demographics as “population or consumer statistics regarding socioeconomic factors such as age, income, sex, occupation, education, family size, and the like.” <http://www.answers.com/topic/demographics>. Thus, the local coverage area mentioned in Rowe is not analogous to the “demographic and marketing information about the user,” as recited in Applicant’s claim 1.

In rejecting the features of this claim, the Office relies on Fig. 1, col. 11, line 57-col. 12, line 34, col. 21, line 3-col. 22 line 1, col. 31 line 53-col. 32, line 1 of Rowe as teaching or suggesting these features of claim 1. Office Action, pg. 4. For convenience, Applicant reproduces Fig. 1 of Rowe below. Applicant respectfully disagrees that Rowe teaches or suggests the features of claim 1 for at least the following reasons.

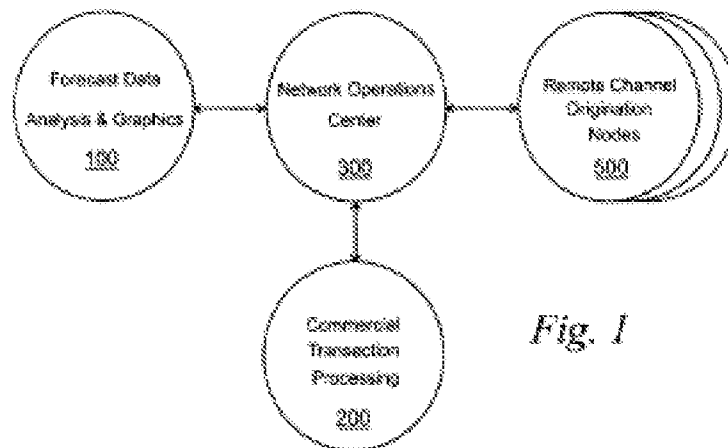


Fig. 1 of Rowe merely shows Forecast Data Analysis & Graphics 100, which is not analogous to “demographic and marketing information about the user” as recited in Applicant’s claim 1.

For convenience, Applicant reproduces col. 12, lines 7-14 of Rowe below (emphasis added):

In this exemplary embodiment, Commercial Transaction Processing 200 includes the operation and organization that markets, sells and supports programming and information products produced and distributed via the network infrastructure. The Commercial Transaction Processing 200 compiles and maintains **marketing information such as appropriate graphics, video, pricing, options, technical specifications and shipping information for the various subscribers.**

The cited portion of Rowe describes the organization that markets programming and information products. Rowe describes the marketing information is for the various subscribers, which includes appropriate graphics, video pricing, options, technical specifications and shipping information. This is not analogous to “demographic and marketing information **about the user**,” as recited in Applicant’s claim 1 (emphasis added). The other portions in Rowe cited by the Office also fail to mention or even discuss demographic and marketing information about the user. Without any such mention or discussion, Rowe cannot teach or suggest demographic information about the user. Thus, the marketing information in Rowe pertains to graphics, video pricing, options ...for the various subscribers. This is not analogous to demographic and marketing information **about the user** as in Applicant’s claim 1 (emphasis added).

Second, Shoff, Hirata, and Rowe fail to teach or suggest “the recording component that further records more than one program concurrently, the recording from one or more broadcast medium” as recited in Applicant’s claim 1.

Shoff mentions displaying the supplemental content concurrently with the video content program. This is not analogous to “recording more than one program concurrently, the recording from one or more broadcast medium” as recited in Applicant’s claim 1. As discussed, the word “concurrently” is used as an adverb for **displaying concurrently** in Shoff (emphasis added) while the word “concurrently” is used as an adverb for **recording concurrently** in Applicant’s claim 1 (emphasis added). Displaying and recording are very different functionalities. Therefore, Shoff fails to teach or suggest this feature.

Hirata fails to cure the deficiencies of Shoff. Hirata describes how parameters for a recording are based upon an electronic mail that includes date, time, channel, and recording mode. A thorough search of Hirata fails to reveal a teaching or a suggestion of “recording more than one program concurrently, the recording from one or more broadcast medium” as recited in claim 1. Consequently, Hirata does not teach or suggest this feature.

Rowe fails to cure the deficiencies of Shoff and Hirata. Rowe mentions a multi-window screen that simultaneously shows different programming including national programming and local programming content. **Simultaneously showing different programs** (emphasis added) is not analogous to “recording more than one program concurrently, the recording from one or more broadcast medium” as recited in Applicant’s claim 1. Thus, Rowe fails to teach or suggest this feature.

In rejecting claim 1, the Office relies on Figs. 1 and 10, col. 5: lines 31-64, col. 6, lines 40-55, col. 7, lines 11-45, and col. 9, lines 5-13 of Hirata as teaching or suggesting “recording more than one program concurrently” as recited in Applicant’s claim 1. Office Action, pg. 4. Applicant respectfully disagrees for at least the following reasons.

For convenience, Applicant reproduces Fig. 10 and col. 6, lines 43-55 of Hirata below:

FIG. 10

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TO: fud@sony.co.jp
FreeHome - server@bar.sony.co.jp
Subject:VIDEO Confirm

REL CONTENT OF RECORDING
RESERVATION IS LISTED BELOW

RESERVATION NO. : 1
DATE   FROM   TO   ON   SPEED
  10   9:00   10:00   1   LP

RESERVATION NO. : 2
DATE   FROM   TO   ON   SPEED
  10   11:00  12:00   3   SP

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Fig. 10 of Hirata merely shows recording is to be reserved with two separate recordings at two different times.

Hirata, col. 6, lines 43-55:

In the processing in the step S20, the CPU 22a judges whether the set content (parameter) of the command character string is normal. **In detail, for example, an erroneous data such as that the recording ending time is earlier than the recording starting time, or that the recording time of the previously set recording reservation data overlaps partially on the recording time of the recording reservation data received this time is detected.** As the result, if the set content is judged to be not normal (NO), then the sequence proceeds to the step S21, an electronic mail for indicating that the recording reservation is impossible to be set is prepared and transmitted to the terminal 1-4 of the transmission side through the modem 21.

The citation in Hirata (emphasis added) indicates erroneous data would be detected, if the recording ending time is earlier than the recording starting time or if the recording time of the previously set recording reservation data overlaps partially on the recording time. Instead, Hirata teaches away from “the recording component that further records more than one program concurrently” as recited in claim 1. This is not analogous

to how one would receive erroneous data if recording end time is earlier than recording start time or if there is overlap in Hirata and as shown in Fig. 10, separate recordings occur at different times. These are not the same features nor perform the same functions.

As these features are not taught or suggested by Shoff, Hirata, and Rowe, alone or in combination, claim 1 is patentable for all of these reasons. Applicant respectfully requests withdrawal of the rejection under §103.

Independent Claims 16, 20, and 22

Independent claims 16, 20, and 22 are directed to a computer-readable media, a system, and a method, respectively.

Claim 16 recites in part, “the second component that further stores demographic and marketing information about the user and the selected broadcast program information; and the recording component further records more than one program concurrently.”

For reasons similar to those discussed for “recording more than one program concurrently” with respect to Applicant’s claim 1, Shoff, Hirata, and Rowe, alone or in combination, fail to teach or suggest the “the second component that further stores demographic and marketing information about the user and the selected broadcast program information; and the recording component further records more than one program concurrently,” as presently recited in Applicant’s claim 16. Accordingly, Applicant respectfully submits that claim 16 is patentable over Shoff, Hirata, and Rowe,

alone or in combination, for at least the reasons set forth above with respect to claim 1. Applicant respectfully requests withdrawal of the rejections under §103.

Claim 20 recites in part, “a profile database storing demographic and marketing information about the user; the recording system further recording more than one program concurrently.”

For reasons similar to those discussed for “recording more than one program concurrently” with respect to claim 1, Shoff, Hirata, and Rowe, alone or in combination, fail to teach or suggest the “a profile database storing demographic and marketing information about the user; the recording system further recording more than one program concurrently,” as presently recited in claim 20. Accordingly, Applicant respectfully submits that claim 20 is patentable over Shoff, Hirata, and Rowe, alone or in combination, for at least the reasons set forth above with respect to claim 1. Applicant respectfully requests withdrawal of the rejections under §103.

Claim 22 recites in part, “storing demographic and marketing information about the user and the selected broadcast program information; and wherein the recording system records more than one program concurrently.”

For reasons similar to those discussed for “recording more than one program concurrently” with respect to claim 1, Shoff, Hirata, and Rowe, alone or in combination, fail to teach or suggest the “storing demographic and marketing information about the user and the selected broadcast program information; and wherein the recording system records more than one program concurrently,” as presently recited in Applicant’s claim 22. Accordingly, Applicant respectfully submits that claim 22 is patentable over Shoff,

Hirata, and Rowe, alone or in combination, for at least the reasons set forth above with respect to claim 1. Applicant respectfully requests withdrawal of the rejections under §103.

Dependent Claims 2-3, 7, 18, 20, 22, and 25-33

Dependent Claims 2-3, 7, 18, 20, 22, and 25-33 depend directly or indirectly from one of independent claims 1, 16, 20, or 22, respectively, and are allowable as depending from a patentable base claim. These claims are also patentable for their own recited features that, in combination with those recited in claims 1, 16, 20, and 22, are not taught or suggested by Shoff, Hirata, and Rowe, alone or in combination. For all of these reasons, Applicant respectfully requests withdrawal of the rejection under §103.

Claims 17 and 24 Are Non-Obvious Over Shoff in view of Hirata and further in view of Rowe

Claims 17 and 24 stand rejected under 35 U.S.C. §103(a) as allegedly being obvious over Shoff in view of Hirata and further in view of Rowe. Applicant respectfully traverses the rejection.

Claims 17 and 24 depend from one of independent claims 16 or 22. As discussed above, claims 16 and 22 are patentable over the cited documents, Shoff, Hirata, and Rowe. Therefore, claims 17 and 24 are also patentable over the cited documents of record for at least its dependency from a patentable base claim.

Claim 17 may also be patentable for the additional feature that it recites. For example, claim 17 recites in part, “the token is an attachment to the text email message.”

Claim 24 may also be patentable for the additional feature that it recites. For example, claim 24 recites in part, “the message is text email message, the token being received as an attachment to the text email message.”

The Office “gives official notice that it is notoriously well known in the art of electronic mail to use an attachment for the purpose of transporting executable commands.” Office Action, pg. 6.

According to MPEP 2144.03:

It would not be appropriate for the examiner to take official notice of facts without citing a prior art reference where the facts asserted to be well known are not capable of instant and unquestionable demonstration as being well-known.

According to MPEP § 2144.03(A):

It is never appropriate to rely solely on “common knowledge” in the art without evidentiary support in the record, as the principal evidence upon which a rejection is based.

Applicant respectfully disagrees with the Office on relying on Official Notice. As shown by the MPEP, it is not appropriate for the Office to take Official Notice without citing a prior art reference when facts have not demonstrated as being well-known or if relying solely on common knowledge without evidence.

At the time of filing of the application, the facts of “a token (i.e., an attachment to the text email message) that includes program criteria that identify a particular broadcast audio/visual program, the program criteria include at least a program identifier that uniquely identifies the particular broadcast program universally among a variety of broadcast platforms...” as recited in claim 16 was not capable of instant and

unquestionable demonstration as being well-known. In 2000, when this application was filed, a token, an attachment to the text email message was not common knowledge or well-known in the art.

Also, at the time of filing of the application, the facts of “receiving a message (i.e., text email message)... that identifies a particular broadcast program on a variety of broadcast platforms” as recited in claim 22 was not capable of instant and unquestionable demonstration as being well-known.

The Office provides little to no explanation as to how the components of the cited references correspond to the actual claim language. Furthermore, the Office provides little or no explanation as to how the operation of components of the cited references allegedly corresponds to that of Applicant's claim language.

Since the Office has provided little or no reasoning for its rejections, other than citing Official Notice, Applicant submits that it has been denied its right to adequately and effectively respond to the rejections.

Applicant respectfully submits that the cited references do not render the claimed subject matter obvious and that the claimed subject matter, therefore, patentably distinguishes over the cited references. For all of these reasons, Applicant respectfully requests the §103(a) rejection of these claims should be withdrawn.

CONCLUSION

The claims are in condition for allowance. Applicant respectfully requests reconsideration and prompt allowance of the subject application. If any issue remains unresolved that would prevent allowance of this case, the Office is requested to contact the undersigned attorney to resolve the issue.

Fees will be paid by credit card through the EFS Web; however, Applicant hereby authorizes the Commissioner to charge any deficiency of fees and credit any overpayments to Deposit Account Number 12-0769.

Respectfully Submitted,

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